

ASSEMBLY BILL

No. 858

Introduced by Assembly Member Melendez

February 21, 2013

An act to amend Section 97 of the Streets and Highways Code, relating to highways.

LEGISLATIVE COUNSEL'S DIGEST

AB 858, as introduced, Melendez. Highways.

Existing law requires the Department of Transportation to designate a state highway segment as a Safety Enhancement-Double Fine Zone if specified conditions are met, including that the governing board of the city or county in which the segment is located has by resolution indicated that it supports the designation.

This bill would make nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 97 of the Streets and Highways Code is
- 2 amended to read:
- 3 97. (a) A state highway segment shall be designated by the
- 4 department as a Safety Enhancement-Double Fine Zone if all of
- 5 the following conditions have been satisfied:
- 6 (1) The highway segment is eligible for designation pursuant
- 7 to subdivision (b).
- 8 (2) The Director of Transportation, in consultation with the
- 9 Commissioner of the California Highway Patrol, certifies that the

1 segment identified in subdivision (b) meets all of the following
2 criteria:

3 (A) The highway segment is a conventional highway or
4 expressway and is part of the state highway system.

5 (B) The rate of total collisions per mile per year on the segment
6 under consideration has been at least 1.5 times the statewide
7 average for similar roadway types during the most recent three-year
8 period for which data are available.

9 (C) The rate of head-on collisions per mile per year on the
10 segment under consideration has been at least 1.5 times the
11 statewide average for similar roadway types during the most recent
12 three-year period for which data are available.

13 (3) The Department of the California Highway Patrol or local
14 agency having traffic enforcement jurisdiction, as the case may
15 be, has concurred with the designation.

16 (4) The governing board of each city, or county with respect to
17 an unincorporated area, in which the segment is located has, by
18 resolution, indicated that it supports the designation.

19 (5) An active public awareness effort to change driving behavior
20 is ongoing either by the local agency with jurisdiction over the
21 segment or by another state or local entity.

22 (6) Other traffic safety enhancements, including, but not limited
23 to, increased enforcement and other roadway safety measures, are
24 in place or are being implemented concurrent with the designation
25 of the Safety Enhancement-Double Fine Zone.

26 (b) The following segments are eligible for designation as a
27 Safety Enhancement-Double Fine Zone pursuant to subdivision
28 (a):

29 State Highway Route 12 between the State Highway Route 80
30 junction in Solano County and the State Highway Route 5 junction
31 in San Joaquin County.

32 (c) Designation of a segment as a Safety Enhancement-Double
33 Fine Zone by the department pursuant to subdivision (a) shall be
34 done in writing and a written notification shall be provided to the
35 court with jurisdiction over the area in which the highway segment
36 is located. The designation shall be valid for a minimum of two
37 years from the date of submission to the court.

38 (d) After the two-year period, and at least every two years
39 thereafter, the department, in consultation with the Department of
40 the California Highway Patrol, shall evaluate whether the highway

1 segment continues to meet the conditions set forth in subdivision
2 (a). If the segment meets those conditions, the department shall
3 renew the designation in which case an updated notification shall
4 be sent to the court. If the department, in consultation with the
5 Department of the California Highway Patrol, determines that any
6 of those conditions no longer apply to a segment designated as a
7 Safety Enhancement-Double Fine Zone under this section, the
8 department shall revoke the designation and the segment shall
9 cease to be a Safety Enhancement-Double Fine Zone.

10 (e) A Safety Enhancement-Double Fine Zone is subject to the
11 rules and regulations adopted by the department prescribing
12 uniform standards for warning signs to notify motorists that,
13 pursuant to Section 42010 of the Vehicle Code, increased penalties
14 apply for traffic violations that are committed within a Safety
15 Enhancement-Double Fine Zone.

16 (f) (1) The department or the local authority having jurisdiction
17 over these highway and road segments shall place and maintain
18 the warning signs identifying these segments by stating that a
19 “Special Safety Zone Region Begins Here” and a “Special Safety
20 Zone Ends Here.”

21 (2) Increased penalties shall apply to violations under Section
22 42010 of the Vehicle Code only if appropriate signage is in place
23 pursuant to this subdivision.

24 (3) If designation as a Safety Enhancement-Double Fine Zone
25 is revoked pursuant to subdivision (d), the department shall be
26 responsible for removal of all signage placed pursuant to this
27 subdivision.

28 (g) Safety Enhancement-Double Fine Zones do not increase the
29 civil liability of the state or local authority having jurisdiction over
30 the highway segment under Division 3.6 (commencing with Section
31 810) of Title 1 of the Government Code or any other provision of
32 law relating to civil liability.

33 (1) Only the base fine shall be enhanced pursuant to this section.

34 (2) Notwithstanding any other provision of law, any additional
35 penalty, forfeiture, or assessment imposed by any other statute
36 shall be based on the amount of the base fine before enhancement
37 or doubling and shall not be based on the amount of the enhanced
38 fine imposed pursuant to this section.

- 1 (h) The projects specified as a Safety Enhancement-Double
- 2 Fine Zone shall not be elevated in priority for state funding
- 3 purposes.
- 4 (i) The requirements of subdivision (a) shall not apply to the
- 5 Safety Enhancement-Double Fine Zone established prior to the
- 6 effective date of this subdivision pursuant to Section 97.4 or to the
- 7 Safety Enhancement-Double Fine Zones established pursuant to
- 8 Section 97.5.